

News focus

Endangered Act

Mediawatch: The US government's attempt to make key changes to an Act protecting rare species was spotted by journalists. **Richard F. Harris** reports.

Honest, it's just a "narrow regulatory change," US Interior Secretary Dirk Kempthorne told reporters when his department was revealed to be altering the Endangered Species Act in the last months of the Bush Administration.

Journalists didn't buy it. As the New York Times put it in an editorial, "The Bush administration has never masked its distaste for most environmental laws or its ambitions to thwart Congress's will. Now in its waning months, it is trying to undermine the Endangered Species Act."

The "narrow regulatory change" was revealed by the Associated Press on 11 August. The AP learned that the Interior Department was publishing a draft rule that would no longer require federal projects that could harm threatened or endangered species to be vetted by biologists in the US Fish and Wildlife Service or the National Marine Fisheries Service. That requirement has been in place for 35 years. Some in Congress and others in the White House have been trying to amend the Act for many years now, but lacking consensus about how the Act should be changed, the Bush Administration decided it would just do whatever it wanted by changing the rules rather than trying to change the law that put those rules in place.

"Parts of the Endangered Species Act may soon be extinct," wrote the AP as it broke the story.

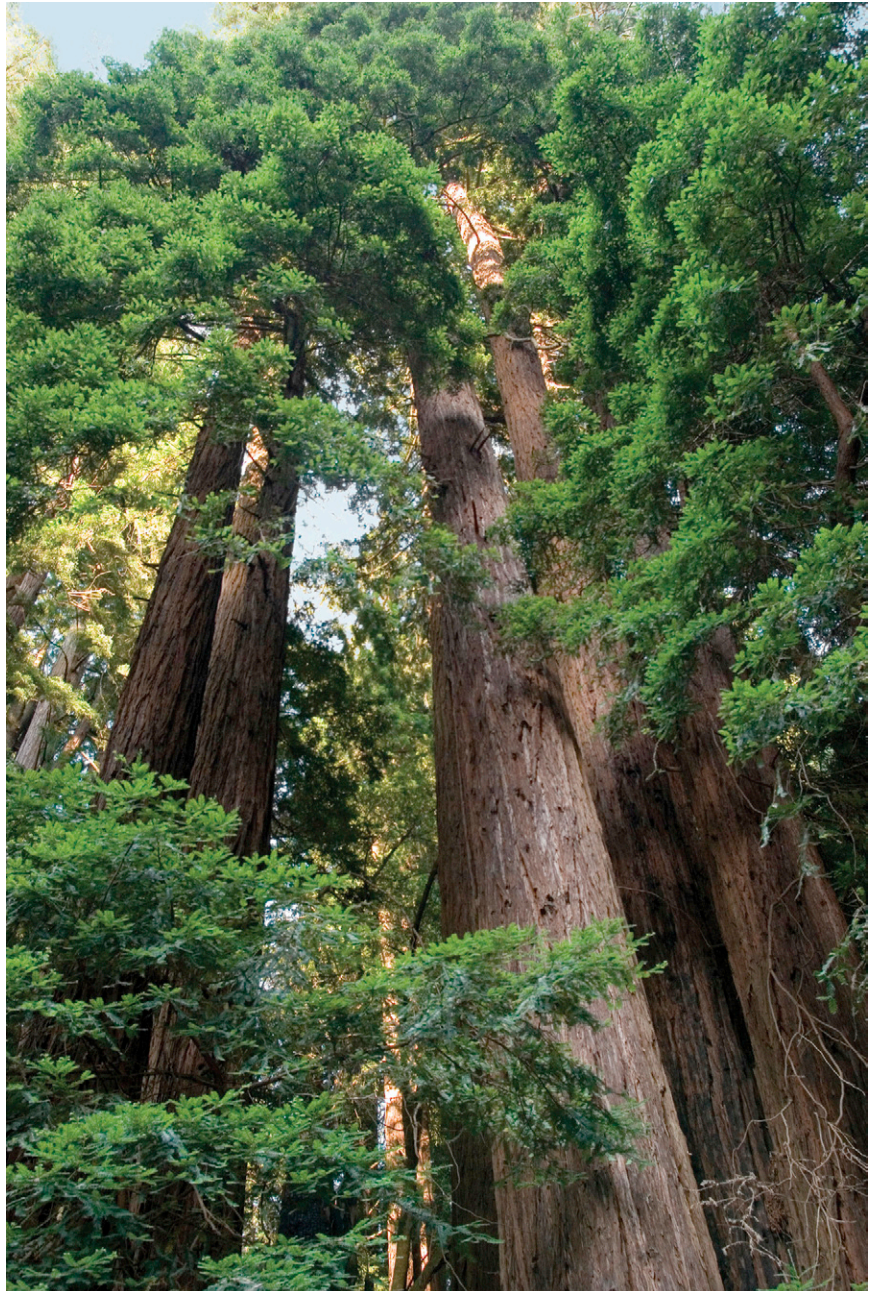
That report led Interior Secretary Kempthorne to call a hasty telephone news conference to defend his motivations. The "narrow regulatory change" would simply spread responsibility for the Act to many federal agencies, he told reporters, and relieve the burden currently placed upon biologists at US Fish and Wildlife Service and its maritime counterpart, the National Marine Fisheries Service (a bureau of the Commerce Department).

Kempthorne said the changes are also intended to prevent the federal government from using the Endangered Species Act to

address global warming — a potential precedent set when the Bush Administration felt compelled to list the polar bear as threatened

because its icy habitat has been melting away.

The late-afternoon telephone news conference didn't get all that much news play itself — but it was widely discussed on editorial pages in the days that followed.



Small print: Changes to the US Endangered Species Act raise the threat to key environments. (Picture: MEB-Photography/Alamy.)

"The Bush administration seems to have misinterpreted the title of the Endangered Species Act. The law is meant to protect endangered species, rather than to endanger species," scolded the Scranton (Pa.) Times-Tribune.

"If the problem is that the process is too slow," opined the Austin (Tex.) American-Statesman, "the solution is simple: Hire more people at the two agencies with the detachment to handle such reviews objectively."

The Los Angeles Times chimed in: "We wouldn't think of letting an oil company decide whether a new offshore rig might harm the ocean; we wouldn't allow a pharmaceutical company to market a new medication on its say-so that the drug is safe. Why would we let the Department of Transportation build a new road through the habitat of the California gnatcatcher because its engineers claim that the project would do no harm?"

As Time Magazine put it: "[T]he evaluation of whether an action harms an endangered species would be made not by trained biologists but by bureaucrats."

The Interior Department raised even more suspicions about its motives by fast-tracking the proposal — allowing only 30 days for comment rather than the more common 60 or 90 days. That would mean the new rules would take effect before the November presidential election.

"Eleventh-hour rulemakings rarely, if ever, lead to good government," Rep. Nick Rahall, the Democratic chairman of the House Natural Resources Committee said in the Washington Post. "This is not the type of legacy this Interior Department should be leaving for future generations."

In the face of strong skepticism, Kempthorne did get a few sympathetic hearings. The Wall Street Journal put it this way: "In announcing the proposed changes, Mr. Kempthorne described them as an attempt to respond to the frustrations of Fish and Wildlife Service officials, who he said often have been unable to prioritize as a result of the many consultation requests from other agencies."

The Las Vegas Review-Journal also supported the Bush Administration. Its editorial called the Endangered Species Act a major contributor to the federal government's "morbid obesity". Supporters of the Act "are determined

to retain their power to protect shrubs, unremarkable minnows and common creepy-crawlies if it takes every last dime of your money to do it."

"The proposal is a perfectly reasonable response to decades of abuse by environmental organizations," the paper concluded.

The move did manage to shift the debate. Before the Administration put forth its proposal, critics were actually complaining that Fish and Wildlife Service biologists were not the last best hope for endangered species, but often junior staffers with minimal academic credentials,

and often not up to the task of deciding whether projects actually jeopardized endangered species. In fact, just a few days after the Interior Department made its announcement, the AP reported that Fish and Wildlife biologists are planning to reduce by 1.6 million acres the amount of old-growth forest set aside to assure the survival of the Northern Spotted Owl — despite its continued decline.

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Palm reach

Germany's Max Planck Society has secured funding for its first institute on US soil, due to open next year. **Michael Gross** reports.

The Max Planck Society is famous for its around 80 research institutes (MPIs) scattered all over Germany, where top researchers can follow their dreams unencumbered by teaching or excessive admin duties. What is less well known is that the society also runs three institutes abroad. The oldest of these goes back to a donation of Henriette Hertz, who left the Palazzo Zuccari in Rome to the Kaiser Wilhelm Gesellschaft, which opened an institute for art

history in 1913. Reopened as an MPI in 1953, the Bibliotheca Hertziana is now one of the leading centres for Italian art history and has just completed a major new building with library facilities, supported by private investors.

The society is now set to expand its portfolio of foreign MPIs in Rome, Florence, and Nijmegen (NL) with the first institute outside Europe, in the sunny climes of Florida. The Max Planck Florida Institute will be a biomedical research centre located on the campus of Florida Atlantic University (FAU) at Jupiter, Palm Beach County, just over 100 km north of Miami.

A key factor in the choice of this location was the presence of the Scripps Florida Institute, which



By Jupiter: The beach close to the new Max Planck institute's Florida home. (Picture: Patrick Lynch/Alamy.)